

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

LORENZO VEGA CAMILLO and LETICIA
MEJIA ALEJANDRO, on behalf of
themselves and others similarly situated,

Plaintiffs,

- against -

KHIM'S MILLENNIUM MARKET, INC.,
KHIM'S MILLENNIUM MARKET III INC.,
KHIM'S MILLENNIUM MARKET IV, INC.,
KHIM'S MILLENNIUM MARKET V, INC.,
KHIMS MILLENNIUM MARKET VI INC.,
KHIM'S ORGANIC II INC., KHIM'S
ORGANIC IV INC., KHIMS ORGANIC V
INC., KHIMS MARKET INC., SANG KYU
KHIM, SUNG KYU KHIM, and SONG KYU
KHIM,

Defendants.

Case No. 1:22-cv-07846-AMD-PK

**ATTORNEY DECLARATION
SUPPORTING MOTION TO
WITHDRAW AS ATTORNEY**

1. I am a member of the law firm, Seo Law Group, PLLC, representing Defendants KHIM'S MILLENNIUM MARKET, INC., KHIM'S MILLENNIUM MARKET III INC., KHIM'S MILLENNIUM MARKET IV, INC., KHIM'S MILLENNIUM MARKET V, INC., KHIMS MILLENNIUM MARKET VI INC., KHIM'S ORGANIC II INC., KHIM'S ORGANIC IV INC., KHIMS ORGANIC V INC., KHIMS MARKET INC., SANG KYU KHIM, SUNG KYU KHIM, and SONG KYU KHIM (hereafter, "KHIMS" or "Defendants") in this action.
2. The motion to withdraw is based on an irretrievable breakdown in attorney-client relationship.
3. On or around February 16, 2023, Seo Law Group, PLLC was retained by all Defendants.

4. One of the Defendants' spouses, (hereafter, "Ms. Khim") delivered the retainer agreement to the undersigned firm, along with other papers, in conjunction with the retainer agreement, signed by *each* of the Individual Defendants. Ms. Khim represented that she would be serving as the designated main contact person on behalf of all Defendants.
5. Thereafter, on February 23, 2023, Diana Y. Seo filed her notice of appearance on behalf of all Defendants on February 23, 2023; and Robert Jun, from the undersigned's firm noticed his appearance on May 17, 2023. (See, Dkt Nos., 20, 28).
6. On February 12, 2024, Ms. Khim reached out to undersigned and conveyed to her that Defendants wish "discontinue" the case and conveyed Defendants' instruction to stop working on this matter.
7. On the same way, Robert Jun from the undersigned firm promptly reached out to Plaintiffs' Counsel and informed Counsel's inability to write Defendants' position in the joint letter as Counsel was unable to express Defendants' position at that time.
8. The next day, Plaintiffs' Counsel filed a letter motion with the Court and addressed Defendants' situation. (See, Dkt No. 44).
9. On or about February 14, 2024, prior to participating in the Court's conference conducted telephonically, Defendants' Counsel reached out to the main contact person, Ms. Khim, and she confirmed the Defendants' position. Thereafter, Robert Jun from the undersigned's firm participated in the telephone conference.
10. On February 14, 2024, the Court issued an Order directing Defendants' Counsel to file a motion to withdraw by no later than February 15, 2024.
11. On February 15, 2024, Defendants' Counsel reached out to Ms. Khim. She again, confirmed Defendants' willingness to discontinue their attorney-client relationship. Later

in the afternoon on the same day, Ms. Khim delivered the letters signed by Individual Defendants confirming the Defendants' decision to terminate their relationship with their Counsel.

12. No deposition has been conducted and no meaningful discovery has taken place. Defendants still have not fully produced necessary discovery responses¹ requested by the opposing party in relation to Plaintiffs' discovery requests.

13. As a practical matter the current situation renders effective attorney-client communication impossible. See, *Naguib v. Public Health Solutions*, 2014 U.S. Dist. Lexis 67125, 2014 WL 2002824 *1 (E.D.N.Y. May 15, 2014) (breakdown in communications is sufficient reason to withdraw as counsel).

14. Furthermore, without Defendants' involvement, Counsel is unable to proceed with this case as the undersigned's firm will be unable to fully conduct discovery and participate in any stage(s) of this litigation any further.

15. Under Local Civil Rule 1.4 of the Local Rules of the United States District Courts or the Southern and Eastern Districts of New York:

"An attorney who has appeared as attorney of record for a party may be relieved or displaces...upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar [...]."

16. Accordingly, "[w]hen considering whether to grant a motion to withdraw, district courts must thus analyze two factors: the reasons for withdrawal and the impact of the withdrawal

¹ Counsel informs the Court that the Parties conducted discovery, and Defendants served responses to Plaintiffs' document demands and one of the Individual Defendants' verified interrogatory responses to date.

on the timing of the proceeding.” *Blue Angel Films, Ltd. v. First Look Studios, Inc.*, No. 08 Civ. 6469 (DAB)(JCF)2011 WL 672245 at *1 (S.D.N.Y. Feb 17, 2011).

17. Under the standard set forth in *Blue Angel Films, id.*, the withdrawal of Seo Law Group, PLLC, as the Defendant’s counsel is based upon an inability of this firm to effectively communicate, this this satisfies the first prong of the *Blue Angel Films* test.
18. Furthermore, the withdrawal of Seo Law Group, PLLC as Counsel for Defendants will have minimal impact on the timing of the proceeding as the Parties are still in the beginning stage of discovery, no deposition was taken, all of the required documents have been filed and/or procedures have taken, and will not be prejudicial against Plaintiffs in any way.
19. It is the undersigned firm’s best interest as well as the best interest of Defendants that our attorney-client relationship be terminated.
20. Defendants’ Counsel do not intend to assert charging lien and/or retaining lien pursuant to N.Y. Jud. Law § 475.
21. I declare under penalty of perjury under the laws of the State of New York, as well as federal laws that the foregoing is true and correct.

Dated: February 16, 2024
Flushing, New York

SEO LAW GROUP, PLLC

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